



BarNotes

A Publication of the
San Fernando Valley Bar Association

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NEW BOARD OF TRUSTEES ELECTED



Woodland Hills' Elder law attorney Alice A. Salvo was automatically elected as President of the San Fernando Valley Bar Association in the organization's September 10 election. Salvo and the 2004-2005 Board of Trustees were installed at the SFVBA Installation Gala on September 18 at the Woodland Hills Hilton.

Four hundred SFVBA members cast their votes in the closely contested election. In the highly visible race for Treasurer, labor lawyer Sue Bendavid-Arbiv edged out sole practitioner Tamila Jensen. Treasurer is often the initial officer position ascending to the presidency of the SFVBA.

Bendavid-Arbiv served as a trustee for four years, and has chaired the Bar's Programs Committee; Business Law, Real Property & Bankruptcy Section; and the SFVBA's Personnel Committee. She is a partner for the Encino law firm of Lewitt, Hackman, Shapiro, Marshall & Harlan.

Family Law attorney Richard Lewis, who ran unopposed for President-Elect, and social security and disability lawyer Patricia McCabe, unchallenged for Secretary, round out the new Executive Committee. Lewis and McCabe were the incumbent Secretary and Treasurer, respectively.

Nine candidates competed for six Trustee positions. Newcomer Jan Frankel Schau, an Encino mediator-attorney, was elected along with incumbents Caron Caines, James Curry, Everett Meiners, Deborah Sweeney and Mishawn Yarovesky. President Salvo also appointed insurance defense attorney Robert Flagg and litigator and business law attorney Stephen Levine to one-year terms.

"I look forward to working together with our new Board in furtherance of our shared goals of expanding membership, encouraging members' involvement, and expanding the SFVBA's influence in our community," says Salvo.

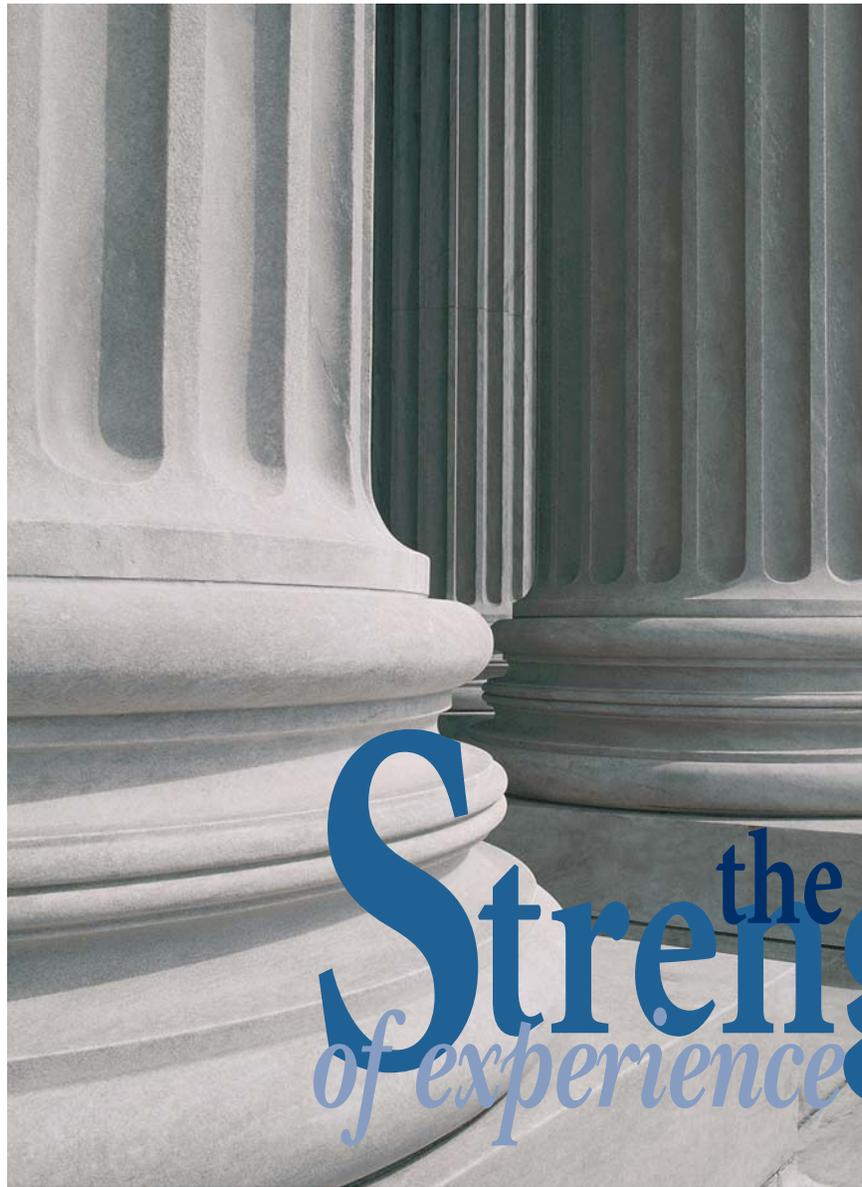
Salvo received her J.D. from Southwestern University School of Law and a L.L.M. in Estate Planning from the University of Miami School of Law. She is a certified specialist in Estate Planning, Trust and Probate Law.

Salvo is former Chairperson of the SFVBA Probate Section, and the past President of the Southern California Council of Elder Law Attorneys, the San Fernando Valley Estate Planning Council and the LAPD Gray Squad Advisory Board. The *San Fernando Valley Business Journal* voted Salvo one the Top 25 lawyers of the San Fernando Valley in 2002. Salvo lives with her husband Mel and children Robbie and Jenny in Calabasas.☺

Board of Trustees and Family Law Section Opposes Child Custody Legislation

The San Fernando Valley Bar Association Board of Trustees, following the same action by the Family Law Section's Executive Committee, voted to oppose S.B. 730, a bill to amend Section 7501 of the Family Code, relating to child custody. Senate Bill 730 would have countered a recent California Supreme Court decision that affirmed the rights of non-custodial parents in "move-away" cases.

SFVBA President James Felton sent a letter to Assembly Judiciary Committee Chair Ellen Corbett on August 13 communicating the Bar's position. The bill was abruptly withdrawn from consideration by its author, Senate President Pro Tem John Burton. The legislation was also opposed by the Judicial Council and other bar associations across the State.



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President's Message Alice A. Salvo

INTRODUCTION AND GOALS

What does Alice Salvo have in common with Lance Armstrong, Seabiscuit, and Chris Ponseti?

Lance Armstrong is the unlikely six time Tour de France champion. I have never won a bicycle race. In fact, I do not ride bicycles.

Seabiscuit was the small, knobby kneed horse unlikely to win a thoroughbred race. Seabiscuit was owned by an automobile dealer. I do not own or ride horses; and I am not an automobile dealer.

Chris Ponseti is a 24 year old 5th grade elementary school teacher who was unlikely to win the gold medal in the street luge at the 2004 Athens Summer Olympics. I never participated in an Olympics; nor won a gold medal.

But what your newly installed SFVBA president does share with Lance Armstrong, Seabiscuit and Chris Ponseti is the thrill of striving for and following a dream to success against all odds. We set our goals high and work hard until we achieve those goals.

As one of three children of a blue collar family in a small community on Long Island, New York, there was no money for college. I was raised with the importance of a maintaining a responsible work ethic. Hard work put food on the table and a roof over our family. College and graduate school were out of reach for my family.

To most people, aspirations to participate on an Olympic team or win an Olympic medal might appear to be a Herculean, even impossible dream. My father was a skilled bicycle racer who courageously tried out for the Olympic team after WWII. He competed on a five-speed silver Italian racing bike and won 40 trophies. He finished at the Olympic tryouts; but did not qualify for the Olympic team.

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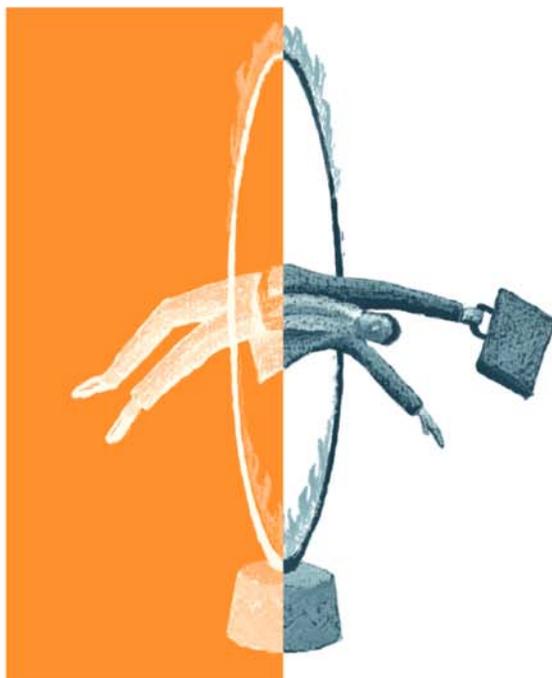
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Santa Clarita Valley Bar Elections and Activities



BY L. ROB WERNER, PRESIDENT

The Networking Committee had a breakfast meeting for our members on September 28. The goal of this committee is to generate more business and referrals between our membership. We particularly need to identify specialty areas. One of the tasks of the committee will be to set up procedures and paperwork for referrals and possible fee divisions consistent with Bar rules. Attorneys interested in this committee may contact either of the co-chairs, Barry Edzant valencialaw@sbcglobal.net or Tom Coleman thomas-coleman@sbcglobal.net.

Our next membership meeting will be on Thursday, October 21 at the Valencia Country Club, 27330 North Tourney Road, Valencia. Our program will provide one-hour MCLE credit for Ethics. The program is entitled, "Your Code of Professional Responsibility - An Ethics Overview With Practical Applications." Heidi Walter of LexisNexis will be the speaker. Check-in and networking starts at 6:00 p.m., dinner and the program begin at 6:30.

Reservations may be made via fax or phone and credit cards are accepted. Call (818) 227-0490, ext. 105.

Our nominating Committee has nominated most of our existing officers for the first one-year term. The officers nominated include, L. Rob Werner, President; William Lively, President-Elect; Lou Esbin, CFO; and Tamiko Herron, Secretary. Two of the current Board Members, Gina MacDonald and John MacIntosh have decided to help our organization in other ways and declined to seek Board positions. Four attorneys were nominated for the three Board Member at Large Positions. They are Jane McNamara, Rand Pinsky, James Reape and Caryn Sanders.

Additional nominations may come from the membership. Members seeking office, to be included in the ballot, need to submit a petition signed by five members to our secretary, Tamiko Herron of Owen, Patterson and Owen on or before October 5. Our election day is October 25.

We have a social, wine tasting event for members and their guests at the Agua Dulce Vineyard on Saturday October 23 from 3:00 to 5:00 p.m. Besides wine tasting, you will be given an opportunity to get your own wine label. For those who would like to join us for dinner afterwards, we have reserved space at the renowned French Restaurant, Le Chene. For further information and reservations contact Rand Pinsky at (661) 295-4644 or e-mail him at pinskylaw@hotmail.com.

The first meeting after our election is intended to be very special. Members are invited to bring guests. We expect to have Santa Clarita Valley's Mayor, Bob Keller induct the officers. Following this, we will have a professional comedy club show. So please tell your spouse or significant other and reserve the date of Thursday, November 18. The show will be at the Valencia Country Club, check-in will begin at 6:00 p.m., the meeting and dinner should begin about 6:30 and the show at 7:00.

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Membership Has It's Priveleges!

The Nobility of Being a Lawyer Reinvigorated at the Annual ABA Meeting



BY LYLE F. GREENBERG

At the first meeting that I attended on behalf of our SFVBA as a Delegate of the House of Delegates to the American Bar Association, the other members of the California Delegation warned me that if I made the job of delegate sound too interesting, someone else in our association might want the job. Keeping in mind that some of these delegates have been there for decades, and not knowing whether I would miss it anyway, I came back to the SFVBA and I admit, with great excitement, shared what transpired and I think conveyed a sense of enthusiasm that must have made more than a few of our members very interested.

Since this is my last article as the SFVBA Delegate, I want to thank you for your support and the opportunity to represent you and our association. I would never have participated at this level of any organized bar if you were not so gracious as to ask me to represent you, and I thank you very much.

Atlanta, Georgia. As if the beauty and history of Atlanta was not enough, the attendance and remarks of Mrs. Thurgood Marshall addressing the opening ceremony of the ABA Annual Meeting on this 50th anniversary of *Brown v. Board of Education*, was inspirational and brought deep meaning to this 127th anniversary of the ABA.

Let me put this meeting in perspective: we are completing the Presidential term of the first African-American ABA President, Dennis W. Archer, and beginning the term of the second, Robert J. Grey, Jr.; the ABA has been celebrating and explaining the significance of the U. S. Supreme Court's decision in *Brown v. Board of Education* on its 50th anniversary, and the ABA honored and heard remarks from Mrs. Thurgood Marshall; all of this in Atlanta, where Martin Luther King was born, grew up, and first preached.

The opening ceremonies at the Georgia World Congress Center (adjacent to the Centennial Olympic Park

commemorating the 1996 Olympic Games) were highlighted by remarks by Mrs. Thurgood Marshall and Governor Jennifer M. Granholm of Michigan (previously Michigan's State Attorney General). Governor Granholm directed her comments to the nobility of our profession, challenging us to aspire to the ideal of its nobility, and the challenge of great things that we can do for society as instruments of positive change.

With this theme of the nobility of our profession, President Archer's closing comments about public confidence in our profession and our House of Delegates being the guiding force of our Association, as well as incoming President Robert J. Grey, Jr.'s charge that we as lawyers continue to "cross the road" for justice and equality, there was no shortage of inspiration.

The Reverend Father Robert F. Drinan was awarded the highest award of the ABA, the ABA Medal (with the words "[T]o the end it may be a government of laws and not men") in recognition of the national impact he has had on justice in this country. Joining the ranks of prior awardees (some of whom include Sandra Day O'Connor, Shirley M. Hufstедler, William J. Brennan, Jr., Thurgood Marshall, Warren E. Burger, Lewis F. Powell Jr., and Leon Jaworski). Robert Drinan, a Jesuit priest, has a long history of involvement with the law - a Professor of Law at Georgetown University Law Center, and former congressman (the first Roman Catholic Priest ever elected to Congress), a former member of the ABA's House of Delegates, as well as

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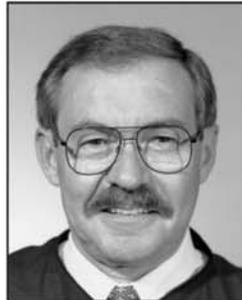
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Notice To Attorneys

Electronic Document Submissions Chapter 13 Voluntary Petitions

Effective September 1, 2004, the United States Bankruptcy Court, Central District of California, will accept electronically submitted chapter 13 voluntary petitions via eFile, the Court's electronic document filing system, from all registered attorneys. The Court previously began accepting chapter 7 voluntary petitions via eFile on December 5, 2003. Registration and procedural information on eFile is available from the Electronic Services section of the Court's website at www.cacb.uscourts.gov. Users registered in accordance with General Order 02-01 may utilize the eFile system. For additional information, please contact eFile Support Center at (213) 894-2365.

Availability of Paper Case Files

Effective September 1, 2004, the Central District of California will no longer maintain paper case files for any newly filed chapter 13 case. The Court will maintain files for these cases in electronic format only. Below is an implementation history of electronic (paperless) case files in the Central District of California.

Chapter	Type	Discontinued Paper Files on:
7	No-asset	October 1, 2003
7	Asset/No-asset	March 1, 2004
13	All	September 1, 2004

The Court continues to maintain paper case files for chapter 11 and chapter 12 cases, and adversary proceedings.

Electronic images of electronic case file documents can be viewed for a fee from a computer with an internet connection using webPACER. To register to use or learn more about webPACER, please visit the PACER Service Center website at www.pacer.psc.uscourts.gov, or call (800) 676-6856.

Case file documents can also be viewed at no cost from public terminals located in each division. Printed copies of case file documents may be purchased at each division. ⚡

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The Bottom Line on the Bottom Line



BY STEVEN G. MEHTA

How many times have you heard in a negotiation that a party has reached his or her bottom line? Perhaps you have heard the question, what is the bottom line? Bottom line, our society focuses on the bottom line. This fascination with the bottom line changes the way negotiations take place.

It is important to understand that the bottom line, although important, should not be the focus of negotiations. In fact, focusing on the bottom line of a negotiation is a major mistake that could cost you considerably. The three largest problems with focusing on the bottom line are burning out too fast, revealing your true intentions, and causing other people to focus on your bottom line.

First, when people focus on the bottom line in negotiations, they "burn out" or "peak too soon." When people focus on only getting to a point, they expend all their energy getting to the point and leave no mental or emotional energy after that point has been reached. Once that negotiat-

ing objective is reached, they no longer negotiate with the same vigor that they had when they were trying to reach the objective.

As an example, if a person was told that he or she must run 100 yards as fast as he or she can, once the person has crossed the "finish line" that person can visibly be seen as losing all forms of energy. In fact, the loss of energy is clearly visible with the athletes in the track and field sports crossing the finish line. The moment they pass that line, they immediately slow down with every muscle in their body. This principle is also based in basic survival instinct. The hunter can only rest after he has caught his prey. Up until that time, he must remain vigilant.

In negotiations, the classic example of "peaking too soon" is in the automobile purchasing process. Invariably, the car salesperson and manager wear the buyer down to find out what the bottom line (or in their case, top of the line) price will be to purchase the car. After the negotiation for the car is completed, the buyer gets this feeling of relief as if he or she finally achieved his or her goal of getting the car at the right price. That person's mental and emotional energy has been spent. However, the negotiations have only begun. The salesperson then offers small options such as a security package, a window tinting package, the under-coating package, service package, and a long term financing program. Invariably, despite the feeble objections of the buyer as to some or all of these add-ons, the dealer upgrades its profit on the sale of these items. Research has proven that there is greater likelihood of selling small extras after the large purchase has been negotiated. After all if you have negotiated a \$25,000 deal, what is an extra \$500 for tinted windows?

Second, when people are truly focused on one thing, they may inadvertently give you clear signs to show you the object of their focus. For example, often when people say one thing and are focusing on something else, they will make a "Freudian slip" revealing the true object of focus. The classic movie example is where a character is focusing on a person's anatomy and then inadvertently mentions that anatomy in the conversation.

The same thing occurs in a negotiation. If a person focuses on the bottom line, often he or she will give that bottom line away by his or her actions. Sometimes the action is a pattern of offers and counter-offers that all point to one number; other times, it will be a slip of the tongue revealing the object of the focus; and other times it is a statement such as "you haven't even gotten to a \$100,000, and until such time, I can't seriously negotiate with you." Regardless of the phrase or the statement, an astute negotiator will listen to those clues and try to probe to find out if that slip up or statement truly is a bottom line.

Finally, the third problem with focusing on the bottom line is that others will also focus on that bottom line, and no more. Unconsciously, once someone else knows your bottom line, he or she will focus on trying to get to that number. It is human nature to try to achieve the result through the path of least resistance. The classic example is in a mandatory settlement conference a judge will ask both sides what their bottom line is and then see if he or she can get the parties to meet as close as possible to that bottom line. How many times have you said to a judge or mediator, I will take \$25,000 to settle this case, and then you settle at that amount or less?

Instead of focusing on the bottom line, the sophisticated negotiator should focus on goals that he or she would like to achieve. Although a party should always be aware of the bottom line or the area close to the bottom line, the true focus should not be on what must happen for the deal to take place, but what you would like to happen when the deal takes place.

For example, if a party enters a negotiation knowing that the top dollar that it is willing to pay is \$100,000, the party may have a goal of \$50,000. During the course of the negotiations, the party will focus on the \$50,000 and will target the negotiations to that amount. If, during the course of the negotiations, it becomes apparent that the goal is not achievable, then the party can always re-assess that goal less optimistically.

Studies of negotiation and sales show that when persons are given

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Nobility of Being a Lawyer, continued from page 7

participating in numerous other functions on ABA committees and panels. His comments, perhaps best summarized with the phrase “sacredness of the law,” fit well with the comments of other speakers about the nobility of our profession and our responsibility to our communities.

Revisiting the ABA’s business for our February 2004 meeting, the ABA was riding the success of its support for Hanby (right to counsel, hearing for Guantanamo interns), and was prepared and proud to announce its first recommendations in response to United States Supreme Court Justice Anthony M. Kennedy’s challenge made at the Annual Meeting in San Francisco in August 2003. The ABA Kennedy Commission presented its recommendations to Justice Kennedy in June, calling for a new “smart on crime” approach to the criminal justice system and laying out numerous steps that jurisdictions across the country can take to address the challenges.

The commission was established in response to a challenge from Justice Kennedy urging the ABA to study the sentencing and correctional systems and spark a discussion within the legal profession on the issues and problems. The recommendations address four primary sets of issues: sentencing and incarceration, racial and ethnic disparities in the criminal justice systems, prison conditions and prisoner reentry issues, and pardons and clemency processes. The recommendations were intended to make our criminal justice system more effective and utilize our limited resources more efficiently.

The Executive Director reported that the major event of the year was the ABA’s move to new headquarters, two months earlier than expected and saving two million dollars. While lots of interesting statistics can be shared about the move, from the cabling for computers and phones, etc., the following is illustrative of the enormity of the project: 307 truckloads moved between May 1 and May 16 into 225,000 square feet.

The Treasurer’s report provided us the following key information - we have 358,000 members, down about 1,000 from the prior year. We have a budget which has been balanced based on lower revenues and reduced expenditures and a hiring freeze. Dues increases are again being discussed in light of the membership decline and the desire to maintain member benefits.

Summary of Action of the House of Delegates of the ABA

A complete summary of the key items of business at our annual meeting, which the House of Delegates attended to at a record pace and at a record number, can be found at <http://www.abanet.org/leadership/home.html> in *The 2004 Annual Meeting Delegates’ Report to their Constituencies*. I would also like to briefly highlight a couple of House Recommendations.

There were numerous resolutions regarding the ABA Constitution, Bylaws, House Rules of Procedure and miscellaneous ABA rules, some of which passed, some of which did not, and some of which were postponed or with-

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Recent Developments in ADR



A wise Sicilian philosopher once said, "If we want things to stay as they are, things will have to change". A couple of recent changes in Alternative Dispute Resolution are contributing both to the growth of the profession and to maintaining the high standards which the local mediation community and litigators have come to demand.

First, the California Supreme Court has reversed the Court of Appeal's judgment in *Rojas v. Superior Court* (2002) 102 Cal. App. 4th 1062. (Opinion No. S111585, July 12, 2004). *Rojas* essentially held that the confidentiality provisions in California Evidence Code Section 1119, did not apply to raw data or "non-derivative" evidence disclosed during mediation. (See Bar Notes, October, 2003: "Is it Safe to Tell: Confidentiality in Mediation"). The *Rojas* decision created a sizable controversy amongst ADR professionals as it threatened to undermine the confidentiality of the process.

The implication of the Supreme Court's ruling goes well beyond the tenants in *Rojas*. By reversing the Appellate judgment, the Supreme Court sent a clear message that mediation is a highly valued alternative to other court proceedings and adjudicatory processes, and that confidentiality in the process is a critical key to its success.

Litigators can once again rely upon Evidence Code Section 1119(c), which sets forth that "all communications in the course of a mediation... shall remain confidential." Under Section 1119(a) and (b), evidence of any oral or written communication or admission is inadmissible and not discoverable. A court cannot compel a party to disclose such evidence. Finally, the parties to a Mediation may rely

upon Evidence Code Section 1120, which reads:

"[E]vidence otherwise admissible or subject to discovery outside of a mediation or a mediation consultation shall not be or become inadmissible or protected from disclosure solely by reason of its introduction or use in a mediation or a mediation consultation."

In short, the Supreme Court has exercised its authority to carry out the purpose of encouraging mediation by ensuring confidentiality.

The other new development in Los Angeles County is the creation of a paid panel of highly qualified neutrals to supplement the existing pro bono panel. Up until July 1, 2004, the Los Angeles Superior Courts routinely ordered cases to mediation, and referred the litigants to the panel of pro bono Mediators in the Clerk's Office. This panel consists of over 2000 individuals, comprised of lawyers and non-lawyers, those with a minimum of 25 hours of mediation training and those with more than twenty years of litigation experience. These panel members serve for three hours for free to the parties, irrespective of the value of the case or complexity of the issues, or the level of experience of the mediator.

Not only was the random selection of the mediator often unsatisfactory to the litigants, but parties were finding a shortage of mediators after about the 15th of every month. In 2003, there were up to 500 cases a month that went un-served because no "pro bono" mediator was available.

As of July 1, 2004, a second tier of Mediators was created which is known as the "Party Pay Panel". The Court

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screens applicants to assure that they have at least 25 hours of mediator training, have conducted 25 court-annexed mediation hearings of at least two hours duration on the pro bono panel and agree to continue advanced training of at least 10 hours per year. At present, there are about 200 highly qualified individuals who have been accepted onto this panel.

How the Party Pay Panel Works

In theory, all litigants can choose to avail themselves of a mediator in three different ways: they can choose a private mediator, they can choose a mediator from the "Party Pay Panel" of the Superior Court, or they can ask the Court to assign a "pro bono" mediator. The courts are being asked to encourage litigants whose cases have a stated amount in controversy over \$50,000 to choose from the Party Pay Panel. The courts have also eliminated mandatory referral to mediation in cases within the limited jurisdiction. Those litigants may only choose a pro bono (first tier) mediator if both sides agree that mediation is desirable in the particular case.

The members of the "Party Pay Panel" have agreed to accept the Superior Court cases at a discounted rate of \$150 per hour for the first three hours (a total of \$450 shared amongst the parties equally). After the initial three hours, the mediator will charge his/her regular rate, just as with a "pro bono" hearing. The fee will be billed by and payable to the Mediator directly, not through the Court. (These paid professionals have also each agreed to accept at least four pro bono cases per year). This way, those litigants who want more experienced neutrals will be able to choose from this new tier of mediators, either by a written list at each ADR Clerk's Office, or online. In addition, if you input the type of case and geographical area and other specific needs, you will receive a random selection of three mediators from which they may select one, or the court will do so for them. (The Court is currently working on the computer technology to allow the random selection to expand to up to 20 names.) Alternatively, you may request an individual by name and the Search engine will inform you whether he/she has agreed to serve and been selected and approved to serve on this second tier ("Party Pay") Panel.

Hopefully, this will prove to be a win-win situation. Litigators can avail themselves of better qualified mediators at a discounted rate, and Mediators who have become "burnt out" on giving away their services and being disrespected by parties who don't value their work, will be re-intensitized to continue to serve the Courts. For its part, the Court will have a trusted alternative cadre of professionals available to offer ADR of the highest quality.

Sometimes, if you want to maintain the fair and equal access to quality mediation services as we've enjoyed in Los Angeles County for the past several years, you have to make changes just to keep things that way. This summer's significant developments in ADR help to assure just that. ↗

Jan Frankel Schau is a Mediator-Attorney and principal of Valley Mediation Services in Encino. She has been selected for the Court's new Panel of Neutrals and can be reached at (818) 379-1789 or JFSchau@valleymediationservices.com.

Message From the President, continued from page 3

My goal of becoming a lawyer seemed Olympian to my family. In my 10th grade English class, we were asked to write an essay about what we wanted to be. I was influenced by the rich kids who lived near the lake, all of whom wanted to be doctors and lawyers. Since I knew that I squirmed at the sight of blood, I decided to become a lawyer. When I first told my mother, she started crying, and I thought she shared my excitement and happiness about the decision. Instead, she was upset. As a member of a large family, my mother was raised to believe girls grew up and got married after high school. My mother wanted me to follow in her footsteps. If I wanted to work outside the home, she suggested I become a beautician. My family could not relate to my professional aspirations. Yet, like Lance, Seabiscut and Chris, nothing could stop me from striving for success and reaching my goal of becoming a lawyer.

All four of my grandparents emigrated from Italy. My mother and father each had eight brothers and sisters. All the family's children were expected to enter the workforce by age 16. My mother dropped out of high school at age 16 to work in a candy factory, and my father graduated from a trade school at age 18. Everyone worked in the trades.

I have 60 first cousins. Three graduated from college, and one obtained a master's degree. I was the only one to graduate from a professional school. College was possible only by winning a full academic scholarship. I earned money for books and extras by working nights at a MacDonald's. During law school, I clerked every year to pay the bills.

After law school, I earned a master's degree in estate planning (an LLM) in Miami and returned to Los Angeles to work. Law school enrollments were then the highest in history, and the job market was saturated.

In 1985, I moved from West LA to the San Fernando Valley and joined our Bar Association. My volunteer work at the Organization for the Needs of the Elderly, which I refer to now as the Senior Center, also began in 1985 and has continued for the past 19 years. In about 100 visits, I have helped seniors with estate plans, small claims, asset preservation, conservatorships, and contracts. In 1990, I began serving on our Association's Lawyer Referral Committee and have continued there for 14 years. It has been an honor to work as Chair of our Probate Section, a Trustee of our Board of Directors, our Association's Secretary and President-Elect. Several years ago, as Chair of our Membership & Marketing Section, I worked with Liz Post, Kevin Rex and others in implementing our state-of-the-art web site.

I opened my own office in 1995. There were many challenges in developing business, a skilled staff and accounting procedures. I credit the office's success to specialization, an excellent team, a good marketing plan, and "people skills" that enhance client relations. Among the biggest challenges is balancing the needs of work and family.

It will be a privilege to serve as your President in the coming year. Please join me in striving to reach our goals. First, together we can expand our membership. The SFVBA has grown to include over 2,000 members. We can

increase our diversity, particularly in the East Valley. Each of us can attract membership based on the wealth of benefits, resources and opportunities our SFVBA offers.

Second, our members' active involvement in SFVBA can be enlarged. Our attorneys volunteer as consultants to senior citizens, mediators and speakers for business and civic organizations and schools. We offer consumer tools and education in many fields, such as health care planning, criminal law, court processes and small claims. Our lawyer referral services benefit the community and our practices, and our Foundation funds many community programs.

Members may contribute to and use many SFVBA resources, such as CLE, research, advertising, Bar Notes Magazine, discounts, and website links to courts and organizations. Our web site includes List Serves, a network for member discussion and sharing. Our Association provides educational, social and planning opportunities for members in 14 practice area sections and eight committees.

Third, by increasing membership and its active involvement, we can expand the influence of the SFVBA to produce results, directly and intangibly, with consumer, legal, and other groups.

These are Olympian but achievable goals, a tradition that continues in my family. My eight year old daughter Jenny is a Level Five gymnast. Even now, she is aiming for the Olympics! 🏆

Alice can be contacted at (818) 887-3333 or by email at salvolaw@pacbell.net.

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Members In The News

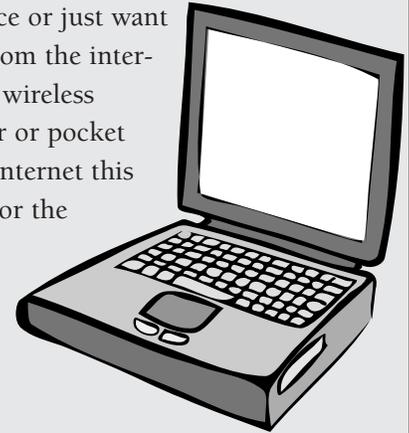
Sharley Allen, Volunteer Advocate Coordinator with Neighborhood Legal Services, will be one of four women to receive the Woman of Honor Award at the 27th Anniversary Horizon Luncheon on October 17. The award is given to a woman who has worked tirelessly to build a strong, caring community in the San Fernando Valley. The other women who will receive the Woman of Honor Award at the luncheon are Alana Bowman, Bonny Herman, and Madelyn Alfano. For more information about the Horizon Luncheon or Haven Hills' services, call (818) 887-7481.

Van Nuys attorney Denis Robinson and his tribute to his parents was the focus of Dennis McCarthy's column in the August 29 edition of the *Daily News*. Budd and Cecilia Robinson, who died six years ago at the age of 83, were serious artists. Budd wrote books and composed music, and Cecilia painted and sculpted. To pay homage to his parents, Denis financed a one-night show featuring the best of his mother's art and the best of his father's music at the Madrid Theatre in Canoga Park on September 18. 📍

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The City of Los Angeles will be launching a wireless free broadband internet access project in and around the Marvin Braude San Fernando Valley Constituent Service Center in Van Nuys this fall. This Community WiFi Network will enable you to access your e-mail, browse the web and download information from the internet at no cost to you for a period of six months.

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Nobility of Being a Lawyer, continued from page 10

drawn. We passed a resolution (100) granting in some cases and withdrawing in others several legal assistant programs. The Standing Committee on Specialization proposed, and the House passed, resolution 101 granting accreditation and reaccreditation to several specialty certification programs for lawyers including several criminal and civil law trial advocacy programs, bankruptcy and business programs, estate planning, and the DUI Defense program of the National College for DUI Defense, Inc. of Houston, Texas.

The ABA Challenge to Us as Attorneys: "Cross the Line" to the "Road not Taken"

Robert Grey, Jr., our new ABA President, and President-Elect Michael S. Greco, were both extremely articulate and motivating in their comments to the House during our two days of meetings. Above and beyond the challenges we face in the organization revolving around finances, membership, and participation, is the issue of being the Good Samaritan and crossing the line - doing the righteous, living up to the ideals and nobility of our profession. The ABA is not the liberal or conservative bar, or the big or small firm bar, the ABA is the bar that needs all lawyers of good will to open the door for others to justice and opportunity (paraphrasing Robert Grey's opening remarks).

One of President Grey's goals is an initiative to strengthen the jury system (examining jury operations, composition, comprehension and convenience, as well as

developing outreach efforts to highlight this great democratic tradition of trial by jury). President Elect Greco observed that "it is the journey that lies ahead that binds us and strengthens us" as we proceed to a renaissance of idealism in our profession. Likening our challenges to Robert Frost's poem "The Road Not Taken" - President Elect Greco called for us to try and find a balance in our lives - a commitment to core values - a renewal - reminding us that the ABA stands for the great principles of our country and Constitution - due process and fair trials for everyone - values that define America to the rest of the world.

It is an exciting time to be a lawyer and attending the ABA meeting reminds me that lots of lawyers across this country believe in the nobility and integrity of our profession; it is not just a living, but a code and commitment to doing the right thing. I enjoyed my time in Atlanta and came back looking forward to other bar activities to get involved in.

In closing, I would like to thank my wife Monique and my children, Rebecca, Stephen and Lauren - for so willingly supporting me in this endeavor on behalf of the SFVBA. Yes, I sent postcards and brought gifts from Seattle (Feb. 2003), San Francisco (Aug. 2003), San Antonio (Feb. 2004), and Atlanta (Aug. 2004).

Finally, I would like to thank our Board and Officers for your confidence in allowing me to participate as a member of the House of Delegates and represent your interests at the American Bar Association. 📌

Lyle Greenberg can be contacted at (818) 884-5100 and greenbergs@earthlink.net.

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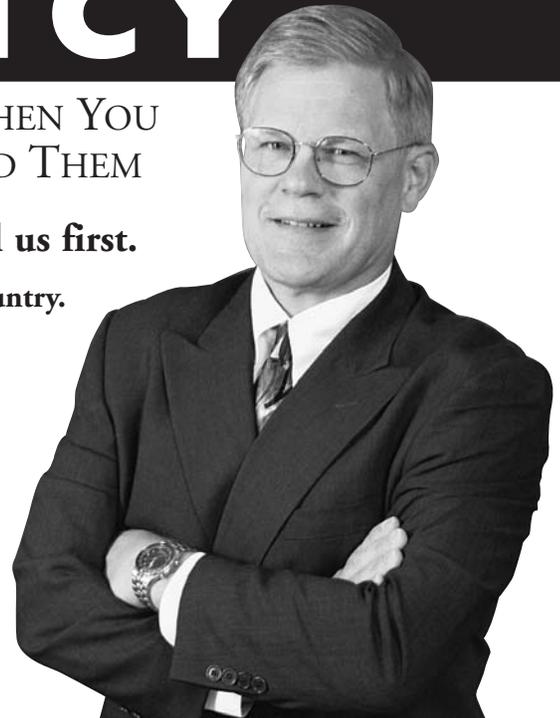
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Bottom Line, continued from page 9

optimistic goals or objectives, they end up with better results than the persons that are given less optimistic goals. One study had two groups of subjects negotiate for the price of an item. One group was told that a lower amount was an acceptable outcome, whereas the other group was told another number was acceptable that was more than double the first group's goal. Consistently, the second group fared better in results.

The following things should be considered in establishing goals and bottom lines:

1. Consider not having a bottom line, but instead knowing what objectives you must achieve and evaluating your walk away point as you go. By doing so, you cannot inadvertently reveal your bottom line to your opponent or a third party mediator. Moreover, you can gain flexibility with the negotiations by assessing the situation and how the negotiations are progressing and then deciding on your "bottom line"
2. Create a goal that is optimistic but realistic and focus your attention and energy on getting to that point. By focusing on your goal instead of your bottom line, you may find that you will outperform your bottom line on many occasions.
3. Consider creating multiple goals or plateaus. If your first optimistic goal is not achievable, then your second slightly less optimistic goal may be achievable. Some negotiators create many goals and reassess whether each of those goals will work during the course of negotiations. In creating those goals, imagine going up to bat in a baseball game and having a home run as your objective. If you score a double, you still are doing well.
4. When facing your opponent's bottom line, probe and inquire whether this is truly the bottom line or is it a plateau. By making offers that test the bottom line, and by asking questions, you may be able to change the other side's bottom line.

And finally,

5. Find out why the bottom line is the created in the first place. You should do this not only for your client but for the other side. By finding the reasons that support the bottom line, you may be able to find ways to bypass that bottom line to your advantage. For example, if a party states that he or she will not accept any less than another person, you may be able to use that information to identify why that party's claim is different or how to creatively overcome that obstacle.

Your goal in every negotiation should not be to focus on the bottom line. Instead, focus on creating realistic but optimistic expectations. By doing so, you will not only negotiate better, but you will ultimately increase your bottom line.▲

Steven G. Mehta is an attorney and mediator who mediates throughout California handling disputes such as employment law, elder abuse, medical malpractice, major personal injury and other complex matters. He has offices in Valencia and Century City.

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Santa Clarita, continued from page 5

Our December meeting will be on Thursday, December 16 at lunchtime. The location is still in the planning stages. The meeting program will consist of reports given by all our committees.

Through arrangements with The Signal, our local newspaper, the Santa Clarita Valley Bar Association will have a weekly article. Articles are to be business related and not self-promotional. They are to be between 500 and 700 words. On controversial issues, you may submit them in a point-counter point format. If you are interested in submitting something, contact John Shaffery at jshaffery@pooleshaffery.com.

The Board has approved a contest among high school students to create a logo for our association. There will be a cash award for the best logo. If you know anyone who would like to submit an entry, contact Tamiko Herron at tamiko@owenpatterson.com.

Our Debate Forum Committee is in the process of setting up an annual high school debate tournament for the Santa Clarita Valley. If you would like to help with this program contact the Chairperson, John Grannis, jgrannis@pooleshaffery.com.

Our Web page is up and running at scvba.org but we could use some help. Members need to add data about their practice. Our legal forum page should also be functioning in the near future. We need additional volunteers to work on these projects and the Internet Committee. If you are savvy in this area and can find some time to help, please contact me. Our association also has its own e-mail address: santaclaritavalleybar@yahoo.com.

Have we missed someone? If you know someone who may have been omitted from our e-mail list because although they live in the Santa Clarita Valley, they work elsewhere, or because they are part of a firm and not listed independently, let me know. If you would like to become active in our association or have any suggestions, please contact me directly at lrobwerner@yahoo.com or call me toll free at 1-800-R-LAWYER. ☎

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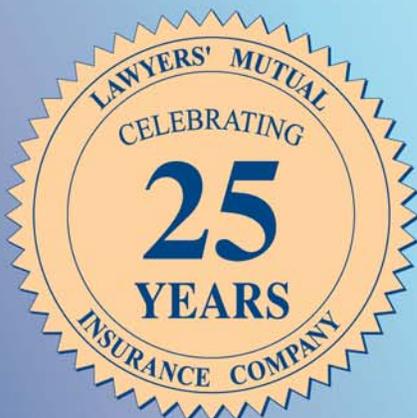
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October Events

Probate & Estate Planning Section

Topic: Check out the SFVBA website for details.
Date: October 12
Time: 12:00 Noon
Place: Encino Glen Restaurant, Encino
Cost: \$30 members prepaid; \$35 at the door
 \$35 non-members prepaid; \$40 at the door
MCLE: 1 Hour

Small Firm and Sole Practitioner Section

Topic: Hot Tips for Solos
Date: October 15
Time: Registration 8 a.m.; Program starts 8:30 a.m.
Place: Beverly Hilton Hotel, Beverly Hills
Cost: \$99 members prepaid; \$124 at the door
MCLE: 6 Hours

Workers' Compensation Section

Topic: Contents of a Valid Psychiatric Interview in Light of New 4663 Causation Issues
Speakers: Noel Lustig, M.D. and Mark Nehorayan, M.D.
Date: Wednesday, October 20
Time: 12:00 Noon
Place: The Encino Glen Restaurant
 16821 Burbank Boulevard, Encino
Cost: \$30 Members prepaid; \$35 at the door
 \$35 Non-Members prepaid; \$45 Non-Members at the door
MCLE: 1 Hour

Litigation Section

Topic: Analysis of Premises Liability Cases
Speaker: Dick Raufeo
Date: October 21
Time: 6:00 p.m. Dinner and Program
Place: SFVBA Conference Room, Woodland Hills
Cost: \$30 members prepaid; \$35 at the door
 \$35 non-members prepaid; \$40 at the door
MCLE: 1 Hour

Santa Clarita Valley Bar Association

Topic: Your Code of Professional Responsibility – An Ethics Overview With Practical Applications
Speaker: Heidi Walter, LexisNexis
Date: October 21
Time: 6:00 p.m.
Place: Valencia Country Club, 27330 North Tourney Road
Cost: \$35 members prepaid
 \$45 non-members prepaid; \$50 at the door
MCLE: 1 Hour ethics

Intellectual Property, Entertainment and Internet Law

Topic: Licensing Agreements: The Negotiation and Drafting of Licensing Agreements and Tax Implications Thereto
Speakers: Tom Speiss and Michael Homeier of Wasseman, Comden, Casselman & Pearson
Date: October 22
Time: 1:00 p.m. Refreshments Served
Place: University of West Los Angeles, Classroom 201
 21300 Oxnard Street, Woodland Hills
Cost: \$20 members prepaid; \$25 at the door
 \$25 non-members prepaid; \$30 at the door
MCLE: 3 Hours

Family Law Section

Topic: Domestic Partnerships
Speakers: Diane Goodman, Esq.
Date: October 25
Time: 5:30 p.m.
Place: Encino Glen Restaurant, Encino
Cost: \$38 members prepaid; \$45 at the door
 \$45 non-members prepaid; \$50 at the door
MCLE: 1 Hour

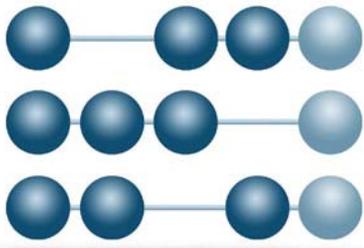
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